

**JOINT**  
**PUBLIC NOTICE**

**CHARLESTON DISTRICT, CORPS OF ENGINEERS**  
**69A Hagood Avenue**  
**Charleston, South Carolina 29403-5107**  
**and**

**THE S. C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
**Office of Environmental Quality Control**  
**Water Quality Certification and Wetlands Programs Section**  
**2600 Bull Street**  
**Columbia, South Carolina 29201**

REGULATORY DIVISION

Refer to: P/N #2005-1W-050-W

4 MARCH 2005

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Section 401 of the Clean Water Act (33 U.S.C. 1341), and the S.C. Construction in Navigable Waters Permit Program (R. 19-450, et. seq., 1976 S.C. Code of Laws, as amended), an application has been submitted to the Department of the Army and the State of South Carolina by

BALLARD POINT II, LLC  
SANTEE SHORES, INC.  
c/o THE EARTHWORKS GROUP  
11661 HIGHWAY 707  
MURRELLS INLET, SOUTH CAROLINA 29576

for a permit to construct four community docks and install a fountain in waters of

CHAPEL BRANCH (LAKE MARION)

at locations on the west side of U.S. Highway 301 along the Chapel Branch section near its confluence with Lake Marion in the Town of Orangeburg, Orangeburg County, South Carolina (Latitude 33.49443°, Longitude 80.46991°)

In order to give all interested parties an opportunity to express their views

**NOTICE**

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

12 O'CLOCK NOON, MONDAY, 4 APRIL 2005

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of constructing the Ballards Pointe Phase II Marina that includes: a dock "J" that consists of a 12' x 25' fixed pier with a 4' x 20' ramp that leads to an 8' x 68' walkway with six 4' x 20' fingers as shown on sheets 2 and 3 of 5. Four 8" pilings are proposed to be located six feet from the four most

waterward fingers. From the waterward end of this structure "J", the applicant is proposing to install a floating fountain 120' out into Chapel Branch. The project also includes the construction of three additional docking structures, "F", "G" and "H" that each consist of a 12' x 12' pier with a 4' x 20' ramp that leads to an 8' x 68' walkway with six 4' x 20' fingers as shown on sheets 2 and 3 of 5. Four 8" pilings are proposed to be located six feet from the four most waterward fingers. The purpose of the project according to the applicant is for private recreational use and access to Lake Marion.

**NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the**

**U.S. Army Corps of Engineers  
ATTN: REGULATORY DIVISION  
69A Hagood Avenue  
Charleston, South Carolina 29403-5107.**

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards (Section 401 of the Clean Water Act). The District Engineer will not process this application to a conclusion until such certification is received. This activity may also require evaluation for compliance with the S. C. Construction in Navigable Waters Permit Program. State review, permitting and certification is conducted by the S. C. Department of Health and Environmental Control. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review. Persons wishing to comment or object to State certification or the navigable waters permit must submit all comments in writing to the S. C. Department of Health and Environmental Control at the above address within thirty (30) days of the date of this notice.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact freshwater habitat upstream from estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

The District Engineer has consulted the most recently available information and has determined that the project will have no effect on any Federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended).

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

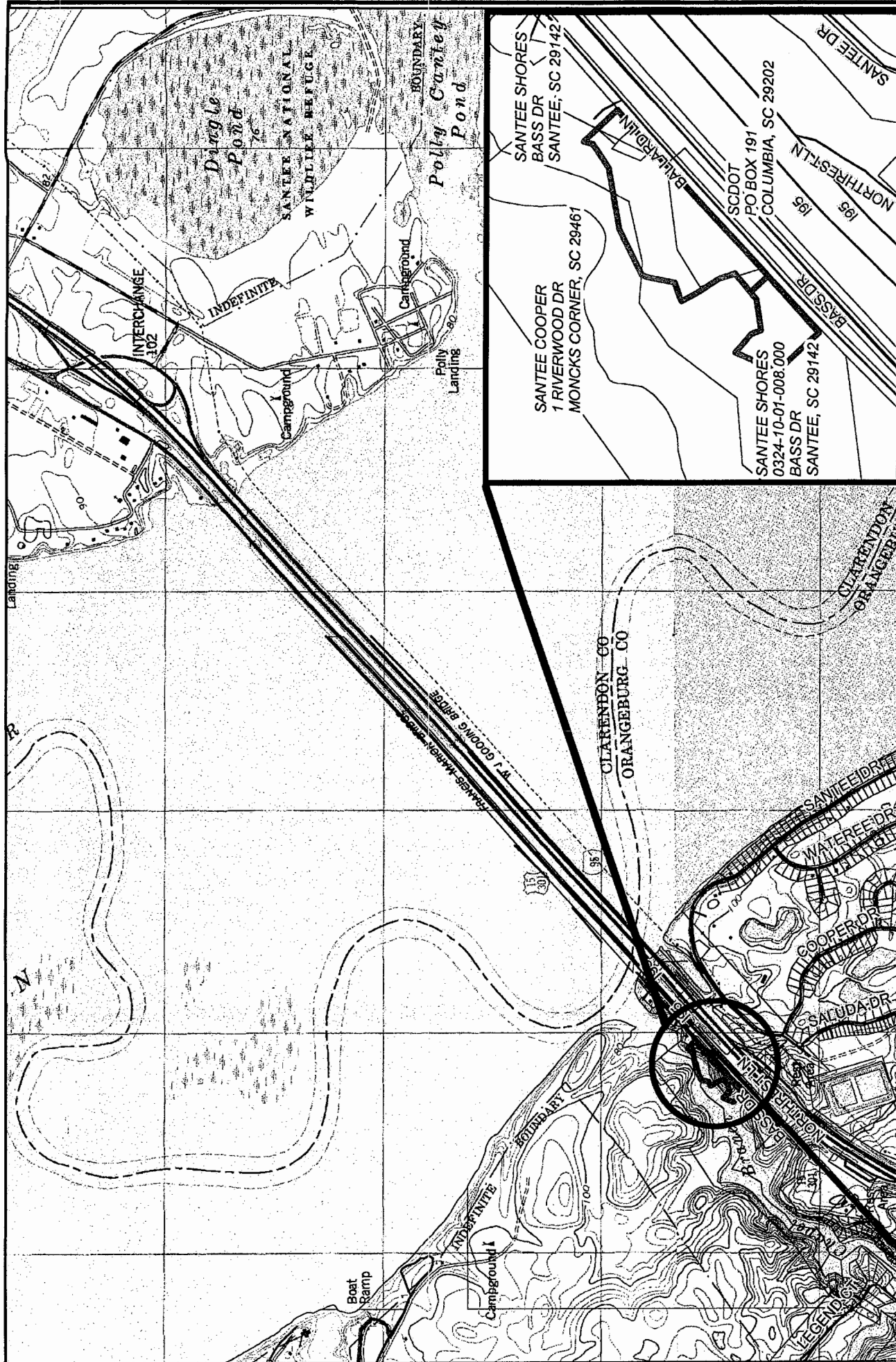
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact me at 843-329-8044 or toll free at 1-866-329-8187.



Debra W. King  
Project Manager  
Regulatory Division  
U.S. Army Corps of Engineers



Applicant: BERT SHULER

Project Title: BALLARDS POINTE PHASE II

Project Location:	LAKE MARION ORANGEBURG COUNTY SAINT PAUL QUAD
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### Legend



Centerline Data  
Site Boundary

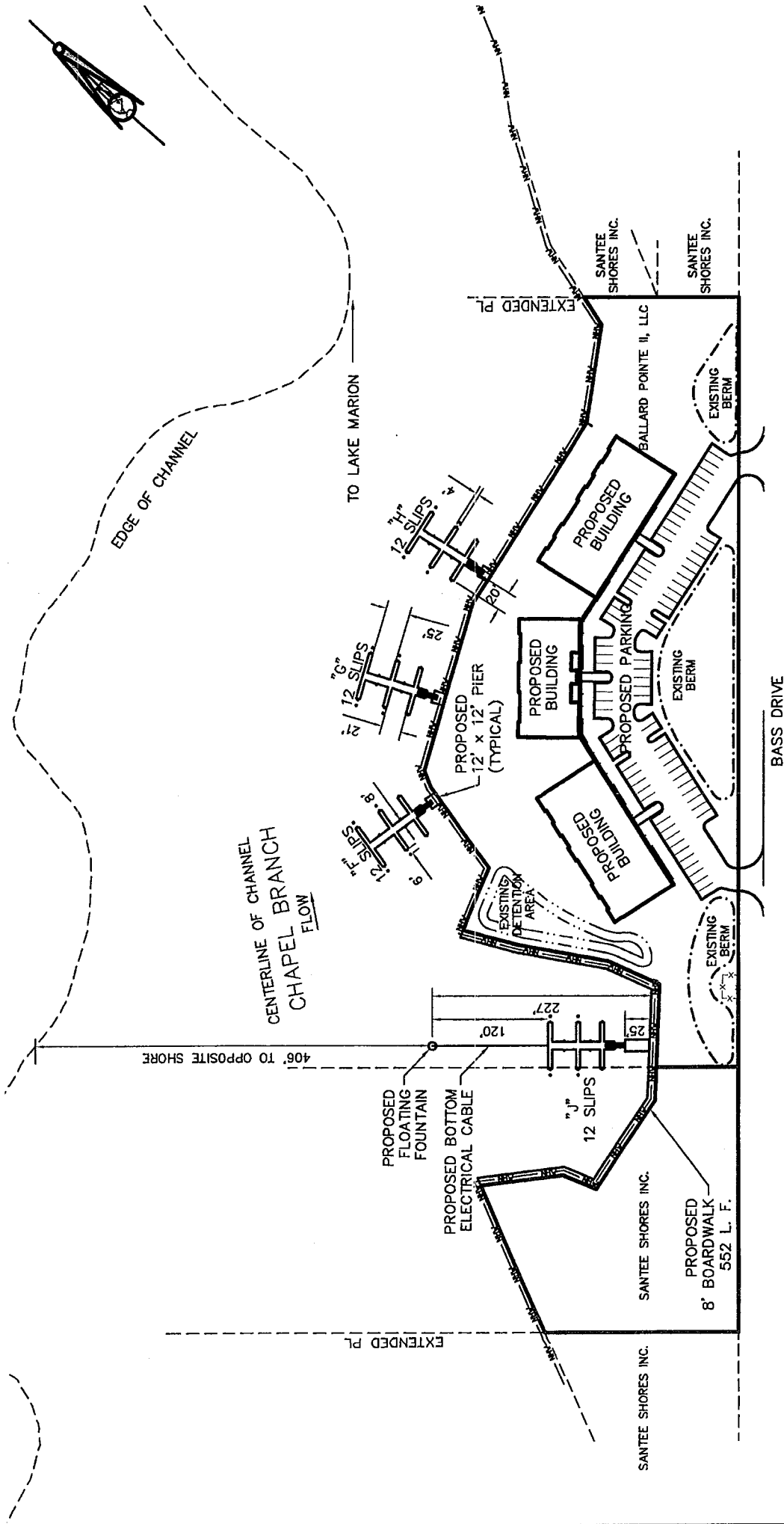
Site boundary  
2005-1W-050-W

# SITE/VICINITY MAP

Date: 9/16/04 Scale 1" = 2000'

Application#

EXHIBIT 1



NOTES:  
 EXISTING WATER DEPTH RELATIVE TO  
 NHW IS APPROX. 15 FT.

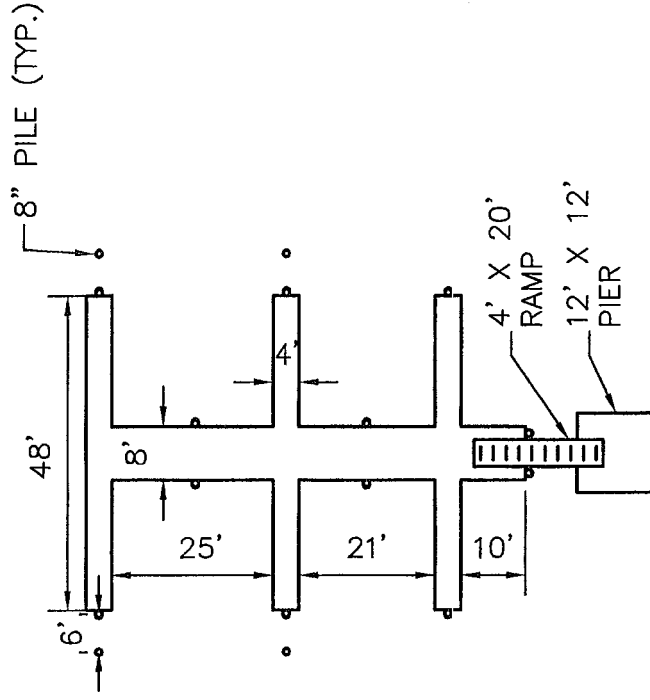
ADJACENT OWNERS  
 SANTÉE COOPER PUBLIC SERVICE  
 AUTHORITY  
 MONCK'S CORNER, SC

SOUTH CAROLINA DEPARTMENT OF  
 HIGHWAYS AND PUBLIC TRANSPORTATION

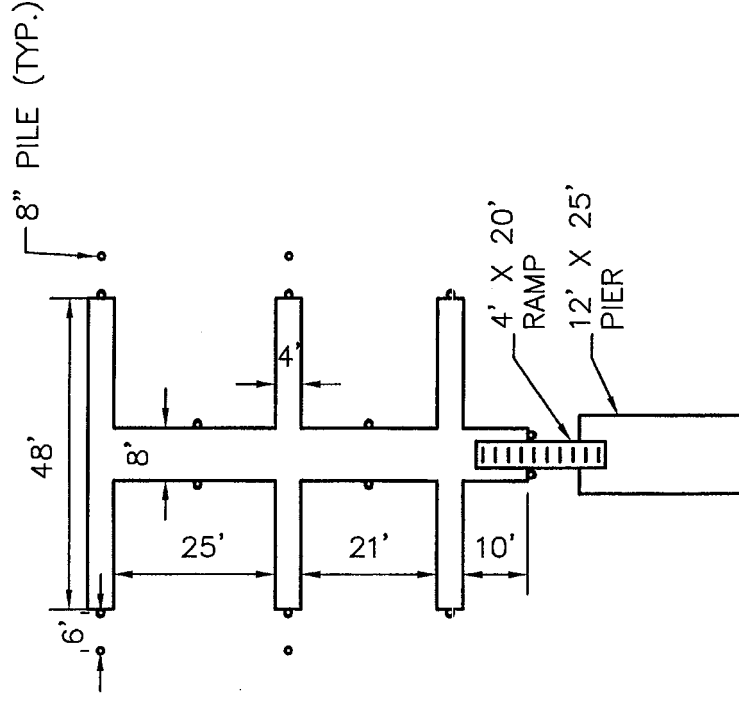
NOT FOR CONSTRUCTION

Applicant: BALLARD POINTE II, LLC & SANTÉE SHORES, INC.		Sheet Title: DOCK MASTER PLAN	
Project Title: BALLARDS POINTE PHASE II		Date: 11/10/04	Scale: 1" = 150'
Project Location: ORANGEBURG COUNTY, SC		Application #	Sheet 2 of 5
		2005-1W-050-W	
		1:35:50 PM EST	

Y:\Projects\04\041107\CEG\041107-MARINA-PERMIT.dwg 1/27/2005



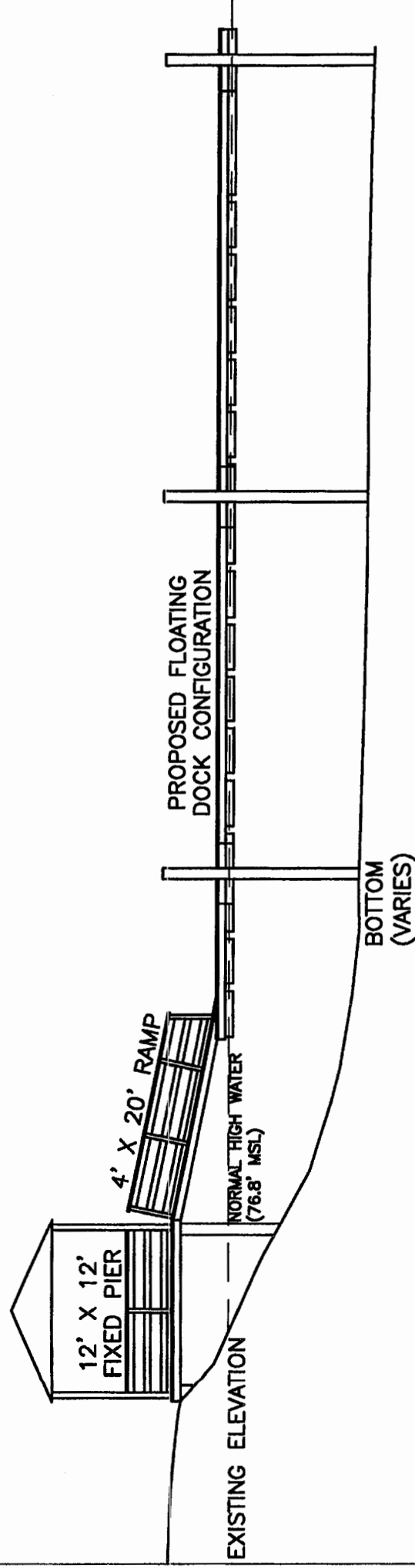
DOCK  
CONFIGURATIONS  
(F)(G)(H)



DOCK  
CONFIGURATION  
(J)

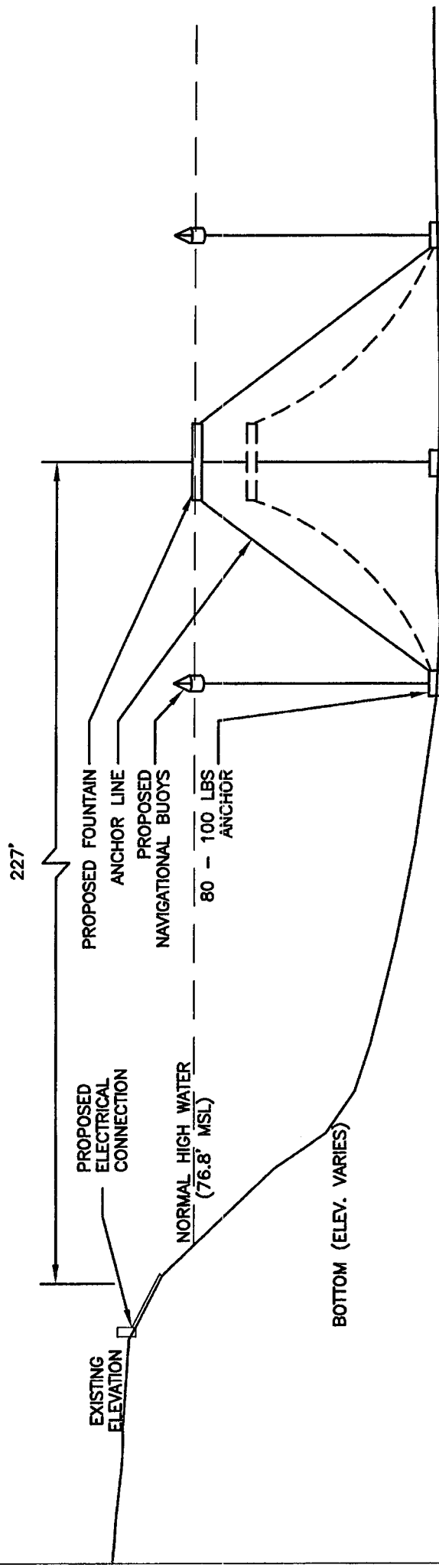
NOT FOR CONSTRUCTION

Applicant: THE SHULER GROUP & SANTEE SHORES, INC.	Revisions Date	Initials	Sheet Title: DOCK CONFIGURATIONS
Project Title: BALLARDS POINTE PHASE II			Date: 01-10-05
Project Location: ORANGEBURG COUNTY, SC			Application # 2005-1W-050-W
			Scale: 1" = 30'
			Sheet 3 of 5



NOT FOR CONSTRUCTION

Applicant: THE SHULER GROUP & SANTEE SHORES, INC.	Revisions	Sheet Title: TYPICAL PIER ELEVATION
Project Title: BALLARDS POINTE PHASE II	Date	Date: 01-10-05
Project Location: ORANGEBURG COUNTY, SC	Initials	Scale: 1" = 10'
		Application #
		2005-1W-050-1W
		Sheet 4 of 5



NOTE:  
ELECTRICAL LINE TO RUN  
ALONG THE BOTTOM  
DIRECTLY TO THE SHORE.

NOT FOR CONSTRUCTION

Applicant: THE SHULER GROUP & SANTEE SHORES, INC.		Sheet Title: FOUNTAIN ELEVATION	
Project Title: BALLARDS POINTE PHASE II		Date: 01-10-05	Scale: 1" = 8'
Project Location: ORANGEBURG COUNTY, SC		Application #	Sheet 5 of 5
Y:\Projects\04\041107\CEG\041107-MARINA-PERMIT.dwg		2005-1W-050-W	
1/27/2005		1:35:50 PM	EST